

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No. 10/042,381 (Q68032)

**REMARKS**

Claims 1-17 are all the claims pending in the application.

**I. Claims 3-16 – Allowed:**

Numbered paragraph 4 of the Office Action indicates that claims 3-16 are allowed.

**II. Claims 1, 2 and 17 Rejected on Prior Art Grounds:**

The Examiner continues to reject claims 1, 2, and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,070,677 to Hicks ("Hicks"). Applicant respectfully traverses this rejection in view of the following remarks.

Claim 1, as amended, recites (among other things) that the covered sheet stack producing means is "*for folding a protective cover around at least a portion of said stacked sheets.*" An exemplary embodiment of this feature is depicted in Fig. 7. Fig. 7 depicts a folding module 34, which is a constituent part of the covered sheet stack producing means 4 (see Fig. 1). The folding module 34 includes a folding arm 64 that folds the protective cover 32 around the right side of the stacked sheets 25. That is, the protective cover 32 is folded from an initial position (shown in phantom) to a folded position (shown in solid lines). This feature is also discussed in the specification (e.g., see p. 15, first full paragraph). At least this feature, in combination with the other limitations recited in claim 1, is not taught or suggested by the prior art relied upon by the rejection grounds.

The rejection grounds assert that Hicks teaches each and every feature of the invention recited in claim 1. In so doing, the rejection grounds compare Hicks' auxiliary product feed

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device 140 (see Figs. 1 and 3) to the covered sheet stack producing means of the present invention. This rejection position is incorrect for the following reasons.

As shown in Figs. 1 and 3 of Hicks, the auxiliary product feed device 140 supplies additional materials 144 to be packaged with each batch 50. These additional materials 144 may include picture frames, cardboard packaging stiffeners, advertising brochures and re-order forms.<sup>1</sup> However, none of these additional materials (or any other element of the batch 50) is folded around a portion of the batch 50. Indeed, as clearly shown in Figs. 4-6, which depict the batch 50 entering into a bagging substation 64, all of the elements in the batch 50 remain flat and stacked one upon the other. Certainly then, claim 1 recites features that are altogether missing from Hicks, and therefore the Examiner is respectfully requested to reconsider and remove the raised anticipation rejection.

For these reasons, Applicant respectfully asserts that claim 1 is patentable, and that claims 2 and 17 are patentable at least by virtue of their dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

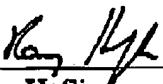
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<sup>1</sup> Hicks, col. 6, l. 31-34.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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